

**PB# 07-08**

**Walmart  
(Out Lot Sub.)**

**4-1-5.22**



07-08 Wal-Mart Out Lot Subdivisi  
Rt. 300 (APD)

TOWN OF NEW WINDSOR  
PLANNING BOARD

APPROVED COPY

DATE: 11-9-07





P.U.# 237

FedEx  
Tracking  
Number

8544 0840 6996

Sender's Copy

## 1 From Please print and press hard

Date \_\_\_\_\_ Sender's FedEx  
Account Number 1331-8303-5

Sender's Name Myra Mason - Planning Bld Phone 8451563-4615

Company TOWN OF NEW WINDSOR

Address 555 UNION AVE

Dept./Floor/Suite/Room

City NEW WINDSOR State NY ZIP 12553-6196

## 2 Your Internal Billing Reference

First 24 characters will appear on invoice.

OPTIONAL

## 3 To

Recipient's Name Adam Fischel, P.E. Phone 5851273-0223

Company APD Engineering

Recipient's Address 3445 Winton Place - Suite 208

We cannot deliver to P.O. boxes or P.O. ZIP codes

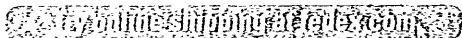
Dept./Floor/Suite/Room

Address

To request a package be held at a specific FedEx location, print FedEx address here.

City Rochester State NY ZIP 14623

0320706886



By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.  
**Questions? Go to our Web site at [fedex.com](http://fedex.com)**  
or call 1.800.GoFedEx 1.800.463.3339.

## 4a Express Package Service To add SATURDAY Delivery, see Section 6.

Packages up to 150 lbs.

- ☐ FedEx Priority Overnight Next business morning\* ☐ FedEx Standard Overnight Next business afternoon\* ☐ FedEx First Overnight Earliest next business morning delivery to select locations.\*
- ☐ FedEx 2Day Second business day\* ☐ FedEx Express Saver Third business day\*  
\* FedEx Envelope rate not available. Minimum charge: One-pound rate.

## 4b Express Freight Service To add SATURDAY Delivery, see Section 6.

Packages over 150 lbs.

- ☐ FedEx 1Day Freight\* Next business day\*\* ☐ FedEx 2Day Freight Second business day\*\* ☐ FedEx 3Day Freight Third business day\*\*

\* Call for Confirmation.

\*\* Declared value limit \$500.

## 5 Packaging

- ☐ FedEx Envelope\* ☐ FedEx Pak\* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak. ☐ FedEx Box ☐ FedEx Tube ☐ Other

## 6 Special Handling

Include FedEx address in Section 3.

- ☐ SATURDAY Delivery Available ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes. ☐ HOLD Weekday at FedEx Location NOT Available for FedEx First Overnight. ☐ HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?

One box must be checked.

- ☐ No ☐ Yes As per attached Shipper's Declaration. ☐ Yes Shipper's Declaration not required. ☐ Dry Ice Dry Ice, 9, UN 1845 x \_\_\_\_\_ kg ☐ Cargo Aircraft Only

## 7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

- ☐ Sender Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

FedEx Acct. No.  
Credit Card No.Exp.  
Date

Total Packages

Total Weight

Total Declared Value\*

\$ \_\_\_\_\_ .00

\*Our liability is limited to \$100 unless you declare a higher value. See back for details.

FedEx Use Only

## 8 NEW Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

- ☐ No Signature Required Package may be left without obtaining a signature for delivery. ☐ Direct Signature Anyone at recipient's address may sign for delivery. ☐ Indirect Signature If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. ☐ **519**



**RESOLUTION ADOPTING A NEGATIVE DECLARATION  
FOR A SUBDIVISION**

*Wal-Mart Minor Subdivision  
PB #07-08*

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision by Wal-Mart Real Estate Business Trust (the "applicant") for a project described as the "Subdivision of Wal-Mart out-lot";

**WHEREAS**, the subject site consists of 1.068 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 4, block 1, and lot 5.22 (SBL 4-1-5.22); and

**WHEREAS**, the action involves a request for the approval of the subdivision of a Wal-Mart out-lot; and

**WHEREAS**, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the Planning Board conducted an uncoordinated SEQRA review for this project; and

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

**WHEREAS**, on August 8, 2007 the Planning Board waived the public hearing on the application for subdivision approval; and

**WHEREAS**, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on May 7, 2007 recommending local determination; and

**WHEREAS**, the property is located within 500 feet of the municipal boundary of the Town of Newburgh, and a copy of the application was referred to the Town of Newburgh in accordance with GML § 239-NN; the Town of Newburgh responded with comments that will be incorporated onto the final plat; and

**WHEREAS**, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and



other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat consisting of 2 sheets, prepared by Thew Associates, PLLC dated November 30, 2006 and last revised on January 24, 2007; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of the subdivision.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Henry Vanleeuwen, seconded by Member Neil Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Member, Howard Brown	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent



Chairman, Genaro Argenio

Aye

Nay

Abstain

Absent

- - -

Alternate, Henry Schieble

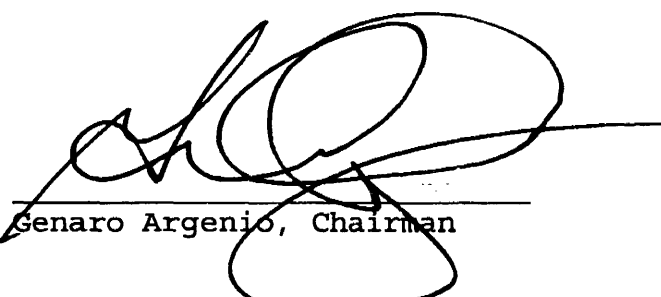
Aye

Nay

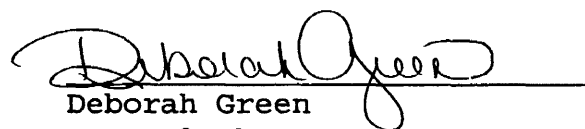
Abstain

Absent

Dated: August 8, 2007  
New Windsor, New York

  
\_\_\_\_\_  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 9<sup>th</sup> day  
of August, 2007.

  
\_\_\_\_\_  
Deborah Green  
Town Clerk



**TOWN OF NEW WINDSOR PLANNING BOARD  
COUNTY OF ORANGE**

**NEGATIVE DECLARATION**

*Wal-Mart Out-lot Subdivision*

*PB # 07-08*

*(S-B-L: 4-1-5.22)*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated review of this Unlisted Action.

Name of Project: Wal-Mart Out-lot Subdivision

Action Type: Unlisted Action; Uncoordinated Review

Location: Town of New Windsor, County of Orange

Location: Route 300

Tax Map Parcel: Section 4, Block 1, Lot 5.22

**Summary of Action:**

The action involves a request for a two-lot subdivision approval of a 1.068 acre parcel located in the Town of New Windsor. The parcel is presently vacant and has frontage on Route 300.

**Reasons Supporting the Negative Declaration:**

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting subdivision approval to this 2-lot subdivision. With respect to traffic patterns, traffic safety and emergency access, the proposed lots will have access to Route 300, which is a state road. Any development to occur on the proposed lot will be subject to site plan review and approval. Specific impacts relating to any proposed use will be appropriately reviewed during the site plan review process. With respect to water and sewer resources, the lots will be served by public water and sewer. The site does not constitute significant habitat area for flora or fauna. The proposed subdivision is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Neither solid waste generation, energy consumption, nor public service demands would be significant or excessive for the new lots within this proposed subdivision. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: August 8, 2006

Agency Address: Town of New Windsor Planning Board

Town Hall – 555 Union Avenue

New Windsor, New York 12553

Tel. (845) 563-4615

Contact Person: Genaro Argenio, Planning Board Chairman



RESOLUTION GRANTING PRELIMINARY AND FINAL SUBDIVISION APPROVAL

*Wal-Mart Minor Subdivision*  
PB #07-08

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision by Wal-Mart Real Estate Business Trust (the "applicant") for a project described as the "Subdivision of Wal-Mart out-lot";

WHEREAS, the subject site consists of 1.068 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 4, block 1, and lot 5.22 (SBL 4-1-5.22); and

WHEREAS, the action involves a request for a subdivision approval for the Wal-Mart out-lot; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, on August 8, 2007 the Planning Board waived the public hearing on the application for subdivision approval; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on May 7, 2007 recommending local determination; and

WHEREAS, the property is located within 500 feet of the municipal boundary of the Town of Newburgh, and a copy of the application was referred to the Town of Newburgh in accordance with GML § 239-NN; the Town of Newburgh responded with comments that will be incorporated onto the final plat; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and



other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat consisting of 2 sheets, prepared by Thew Associates, PLLC dated November 30, 2006 and last revised on January 24, 2007; and

WHEREAS, the applicant is seeking final subdivision approval for the subdivision plat;

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of the subdivision.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and grants preliminary and final subdivision approval subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within six months of the date of this resolution.

Upon motion made by Member Neil Schlesinger, seconded by Member Henry Vankeuwen, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Member, Howard Brown	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent



Member, Henry Vanleeuwen

☒ Aye    ☐ Nay    ☐ Abstain    ☐ Absent

Chairman, Genaro Argenio

☒ Aye    ☐ Nay    ☐ Abstain    ☐ Absent

- - -

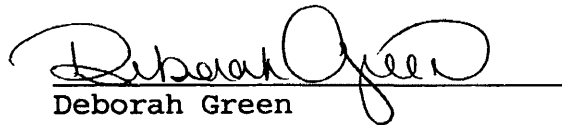
Alternate, Henry Schieble

☐ Aye    ☐ Nay    ☐ Abstain    ☐ Absent

Dated:        August 8, 2007  
              New Windsor, New York

  
\_\_\_\_\_  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 9<sup>th</sup> day  
of August, 2007.

  
\_\_\_\_\_  
Deborah Green  
Town Clerk



**Town of New Windsor**

555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#885-2007**

11/16/2007

APD Engineering  
3445 Winton Place Suite 208  
Rochester, NY 14623

Received \$ 360.00 for Planning Board Fees, on 11/16/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

P.B. # 07-08 Approval fee



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/26/2007	EAF SUBMITTED	02/26/2007	WITH APPLIC
ORIG	02/26/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	02/26/2007	LEAD AGENCY DECLARED	08/08/2007	TOOK LA
ORIG	02/26/2007	DECLARATION (POS/NEG)	08/08/2007	DECL NEG DEC
ORIG	02/26/2007	SCHEDULE PUBLIC HEARING	/ /	
ORIG	02/26/2007	PUBLIC HEARING HELD	/ /	
ORIG	02/26/2007	WAIVE PUBLIC HEARING	08/08/2007	WAIVED PH
ORIG	02/26/2007	FINAL PUBLIC HEARING	/ /	
ORIG	02/26/2007	PRELIMINARY APPROVAL	/ /	
ORIG	02/26/2007	LEAD AGENCY LETTER SENT	/ /	



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/14/2007	PLANS STAMPED	APPROVED
08/08/2007	P.B. APPEARANCE	APPROVED
03/14/2007	P.B. APPEARANCE	REFER TO ZBA



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/2007

PAGE: 1

LISTING OF PLANNING BOARD **FEE**  
**APPROVAL**

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2007	SUB. APPROVAL FEE	CHG	360.00		
11/15/2007	REC. CK. #12062	PAID		360.00	
		TOTAL:	360.00	360.00	0.00





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## OFFICE OF THE PLANNING BOARD

November 6, 2007

APD ENGINEERING  
3445 Winton Place - Suite 208  
Rochester, NY 14623

ATTN: ADAM M. FISCHEL, E.I.T.

SUBJECT: P.B. #07-08 WAL-MART SUBDIVISION

Dear Mr. Fischel:

Please find attached printouts of fees due for subject project.

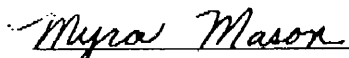
Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$ 360.00
Check #2 - Amount over escrow posted.....	\$ 234.10

Upon receipt of these checks, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

  
Myra L. Mason, Secretary To The  
NEW WINDSOR PLANNING BOARD

MLM



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/06/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/26/2007	REC. CK. #11039	PAID		1000.00	
03/14/2007	P.B. ATTY. (CORDISCO)	CHG	402.50		
03/14/2007	P.B. MINUTES	CHG	21.00		
08/08/2007	P.B. MINUTES	CHG	49.00		
11/05/2007	P.B. ENGINEER	CHG	761.60		
			-----	-----	-----
		TOTAL:	1234.10	1000.00	234.10



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/06/2007

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2007	SUB. APPROVAL FEE	CHG	360.00		
			-----	-----	-----
		TOTAL:	360.00	0.00	360.00





**APD Engineering**

3445 Winton Place - Suite 208

Rochester, NY 14623

585-273-0273

Fax: 585-273-0276

Website: [www.apd.com](http://www.apd.com)

July 18, 2007

Town of New Windsor  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, NY 12553  
Attn: Myra Mason

**RE: Proposed Subdivision of former Wal-Mart Fueling Station Lot.**

Dear Myra:

On behalf of our client Wal-Mart Stores, Inc., we are pleased to submit the following information for the former Wal-Mart Fueling Station lot. Our proposal includes subdividing the  $\pm 2.936$  acres parcel owned by Wal-Mart Real Estate Business Trust into two separate lots to be retained by Wal-Mart Real Estate Business Trust. The first lot (former Wal-Mart Fueling Station) would consist of  $\pm 1.092$  acres, whereas the second lot would be the remaining  $\pm 1.844$  acres.

In order to form a complete application, we have enclosed the following items for your review:

1. Subdivision Map (8 sets)

As you are aware, the Town of New Windsor Zoning Board of Appeals granted approval of the 19' lot width variance at their July 9, 2007 meeting. We respectfully request that we be scheduled for the next available Planning Board Meeting to discuss final approval of the attached subdivision map with the Board. If you have any question or need additional information feel free to contact us. Thank you.

Sincerely,

Adam M. Fishel, E.I.T.  
Project Engineer

cc: Patrick Bennett, Core States Engineering

*"Civil Engineers And Architects With Full Service And Design Build Capabilities"*

1996-2006 Now With 10 Years of Proven Success



AS OF: 10/17/2007

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 8

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	MRS.	TIME	EXP.	DOLLARS	BILLED	BALANCE
7-8	321210	01/17/07	TIME	MJE	MS WALMART SUB	119.00	0.40	47.60				
7-8	322512	01/22/07	TIME	MJE	MC ADAM S:WALMART SUB	119.00	0.30	35.70				
7-8	329567	03/13/07	TIME	MJE	MR WALMART S/D	119.00	0.80	95.20				
7-8	328617	03/14/07	TIME	MJE	MM Walmart Sub >> ZBA	119.00	0.10	11.90				
7-8	329573	03/14/07	TIME	MJE	MR WALMART S/D	119.00	0.10	11.90				
7-8	329579	03/14/07	TIME	MJE	PM WALMART W/GA	119.00	0.20	23.80				
7-8	329585	03/14/07	TIME	MJE	MM WALMART-REG MTC	119.00	0.30	35.70				
7-8	329597	03/16/07	TIME	MJE	AA WALMART OCDF REFERRL	119.00	0.40	47.60				
7-8	329598	03/16/07	TIME	MJE	AA WALMART 239-NW REF	119.00	0.40	47.60				
7-8	329599	03/16/07	TIME	MJE	MC WALMART ZBA REFERRAL	119.00	0.40	47.60				
								404.60				
7-8	334921	04/24/07			BILL 07-1120						-404.60	
											-404.60	
7-8	377544				PD/CR 07-1120 PD 05/09/07			404.60				
7-8	352033	05/04/07	TIME	MJE	MR WALMART SUB	119.00	0.80	95.20				
7-8	352040	08/05/07	TIME	MJE	MR WALMART SUB	119.00	0.40	47.60				
7-8	352459	08/08/07	TIME	MJE	MM Walmart Sub APFD	119.00	0.30	35.70				
7-8	352943	08/08/07	TIME	MJE	PM WALMART SUB W/GA	119.00	0.20	23.80				
7-8	352950	08/08/07	TIME	MJE	MM WALMART SUB	119.00	0.40	47.60				
7-8	355074	08/29/07	TIME	MJE	MC WALMART PLAN CORRECT	119.00	0.30	35.70				
								261.80				
7-8	353503	08/15/07			BILL 07-2170						-226.10	
											-226.10	
7-8	379053				PD/CR 07-2170 PD 08/27/07			226.10				
7-8	359829	09/27/07			BILL 07-2516						-35.70	
											-35.70	
7-8	379534				PD/CR 07-2516 PD 10/11/07			35.70				
7-8	361488	10/03/07	TIME	MJE	MC WALMART FILE RVW	119.00	0.30	35.70				
7-8	380197	10/17/07	TIME	MJE	MR WALMART CLOSEOUT OTH	119.00	0.50	59.50				
					TASK TOTAL			761.60			-666.40	95.20
									0.00			
					GRAND TOTAL			761.60			-666.40	95.20
									0.00			

TOTAL P.02



## Client Ledger

ALL DATES

Date	Received From/Paid To	Che#	General	Bld	Trust Activity	
Entry #	Explanation	Rec#	Disbs	Inv#	Acc	Balance
12132	TOWN OF NEW WINDSOR					
6085915	WALMART OUT-LOT SUBDIVISION PB# 07-08					Resp Lawyer: JRL
Mar 13/2007	Lawyer: DRC 0.10 Hrs X 175.00			17.50	3306	
64129	REVIEW M EDSALL'S COMMENTS PB# 07-08					
Mar 14/2007	Lawyer: DRC 0.30 Hrs X 175.00			52.50	3306	
64130	REVIEW APPLICATION MATERIALS PB# 07-08					
Mar 14/2007	Lawyer: DRC 0.10 Hrs X 175.00			17.50	3306	
64131	ATTEND PLANNING BOARD MEETING PB# 07-08					
Apr 13/2007	Billing on Invoice 3306		0.00		3306	
64225	FEES 87.50					
Apr 27/2007	Town of New Windsor	026039	87.50			
67015	PMT - PAYMENT ON ACCOUNT					
Aug 8/2007	Lawyer: DRC 0.20 Hrs X 175.00			35.00	4648	
86808	REVIEW M EDSALL'S COMMENTS PB# 07-08					
Aug 8/2007	Lawyer: DRC 0.30 Hrs X 175.00			52.50	4648	
86809	REVIEW FILE; APPLICATION MATERIALS PB# 07-08					
Aug 8/2007	Lawyer: DRC 0.80 Hrs X 175.00			140.00	4648	
86810	PREPARE RESOLUTIONS ADOPTING A NEGATIVE DECLARATION PB# 07-08					
Aug 8/2007	Lawyer: DRC 0.30 Hrs X 175.00			52.50	4648	
86811	PREPARE NEGATIVE DECLARATION PB# 07-08					
Aug 8/2007	Lawyer: DRC 0.20 Hrs X 175.00			35.00	4648	
86829	ATTEND AUGUST PLANNING BOARD MEETING PB# 07-08					
Sep 10/2007	Billing on Invoice 4648		0.00		4648	
91928	FEES 315.00					
Oct 1/2007	TOWN OF NEW WINDSOR	011491	315.00			
95828	PMT - PAYMENT ON ACCOUNT					
TOTALS						
PERIOD	CHE 0.00	UNBILLED + RECOV 0.00	+ FEES 0.00	= TOTAL 0.00	DISBS 0.00	+ FEES 402.50
					+ TAX 0.00	- RECEIPTS 402.50
						BALANCES = A/R 0.00
						TRUST 0.00

## REPORT SELECTIONS - Client Ledger

Layout Template Default  
 Requested by Rose Thoma  
 Finished Friday, November 02, 2007 at 12:05:49 PM  
 Ver 8.20c  
 Matters 6085915  
 Clients All  
 Major Clients All  
 Client Intro Lawyer All  
 Matter Intro Lawyer All  
 Responsible Lawyer All  
 Assigned Lawyer All  
 Type of Law All  
 Select From Active, Inactive Matters  
 Matters Sort by Default  
 New Page for Each Lawyer No  
 New Page for Each Matter No  
 No Activity Date Dec 31/2199  
 Firm Totals Only No  
 Totals Only No  
 Entries Shown - Billed Only No  
 Entries Shown - Disbursements Yes  
 Entries Shown - Receipts Yes  
 Entries Shown - Time or Fees Yes  
 Entries Shown - Trust Yes  
 Incl. Matters with Retainer Bal No  
 Incl. Matters with Neg Unbld Disb No  
 Trust Account All  
 Working Lawyer All  
 Include Corrected Entries No  
 Show Check # on Paid Payables No  
 Show Client Address No  
 Consolidate Payments No  
 Show Trust Summary by Account No  
 Printed from Register



WAL-MART\_OUT-LOT\_SUBDIVISION\_(07-08)

MR. ARGENIO: This application proposes minor subdivision to create a tax lot for the out-parcel on Route 300, rather than a lease parcel as shown on the overall Wal-Mart development plan. The plan was previously reviewed at the 14 March, 2007 planning board meeting. Sir, can I have your name and your firm for the stenographer?

MR. FARLO: Sure, it's Thomas Farlo (phonetic) with APD Engineering.

MR. ARGENIO: Tell us briefly what you're trying to do, this seems to be quite a simple application and I certainly would like to hear in your own words.

MR. FARLO: I have to apologize in advance, I'm not the engineer that was spearheading this project, more of a fill-in today but I can give you a brief overview of the--

MR. ARGENIO: Point to the lot lines please that you are looking at?

MR. FARLO: The parcel we're talking about in question is approximately a one acre parcel, you've got Route 300 here, credit union over here, the existing Wal-Mart store over here and then the mini storage over here. Basically, the lot lines will follow my pen around and around and back over here. This is an existing driveway that's here, municipal line between the Town of New Windsor and Newburgh back in here, the Wal-Mart property, the parcel's currently zoned commercial, it's owned by Wal-Mart and my understanding the ZBA approved the variance.

MR. ARGENIO: Is that a fact Dominic or Mark?

MR. BABCOCK: Yes.



MR. VAN LEEUWEN: What are the plans for the land?

MR. FARLO: I don't know, I can find out, get back to you.

MR. VAN LEEUWEN: Please.

MR. ARGENIO: Basically you're unprepared, is that essentially what you're talking about here?

MR. FARLO: Well, I can talk a little bit about Wal-Mart if you need to talk about Wal-Mart, but I think it was previously looked at as a possibility of a gas station.

MR. ARGENIO: Yeah and you're correct, I did the construction there, my firm did the construction, we dead-ended sewer and water in there and yes, it was supposed to be a gas station. So what's happening here, Mark, is they want to do this subdivision, yes?

MR. EDSALL: Yes.

MR. ARGENIO: So they can have a--

MR. VAN LEEUWEN: Another gas station.

MR. ARGENIO: No.

MR. BABCOCK: To sell the lot.

MR. ARGENIO: They want to have it as an owned parcel and not a leased parcel so they can sell it.

MR. EDSALL: Correct, and the lot if approved by this board has no use with it other than the use that might have been approved in the past, if they want to do anything different they need to come back for a new site plan approval.



MR. ARGENIO: This is just a subdivision.

MR. EDSALL: Absolutely.

MR. ARGENIO: I want to read this because it should be in the minutes. The planning board engineers received and the attorney received a letter from the Town of Newburgh and we're, I'm advising you at this point that utility services for this lot which are not proposed now but if utility services are required for this lot they'll come from New Windsor, they will not come from the Town of Newburgh, you need to tell your applicant that or your owner that. Folks, does anybody have any thoughts on this? This is certainly pretty straightforward.

MR. VAN LEEUWEN: It's just a two lot subdivision is all it is.

MR. ARGENIO: It's really that simple. Is there anything more going on here?

MR. CORDISCO: It's a minor subdivision, no particular use is being approved as Mr. Edsall said.

MR. ARGENIO: Again, if a use is proposed at some point in time we'll have the opportunity for site plan review at this time.

MR. CORDISCO: Of course as a minor subdivision the application or excuse me the public hearing could be waived.

MR. ARGENIO: Can I have any thoughts from the members on the public hearing?

MR. VAN LEEUWEN: Excuse me a second, how many feet are you supposed to be from the Town of Newburgh line? Otherwise you have to go to the Town of Newburgh.



MR. EDSALL: It was served to the Town of Newburgh, second bullet on the back page 239 nn requires referral.

MR. VAN LEEUWEN: I have no questions.

MR. ARGENIO: I will accept a motion that we declare ourselves lead agency for this application.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor declare itself lead agency for the Wal-Mart subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Does anybody have any other thoughts on this? I don't think I'm missing anything here.

MR. SCHLESINGER: No, whatever they do with it now they have to come back.

MR. ARGENIO: It's clean and the public hearing, Neil, Howard, Danny?

MR. SCHLESINGER: None.

MR. ARGENIO: I'll consider that a motion to waive the public hearing.



August 8, 2007

22

MR. SCHLESINGER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing for the Wal-Mart subdivision.

MR. EDSALL: Both preliminary and final.

MR. ARGENIO: Both preliminary and final public hearing. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on the Wal-Mart minor subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE



MR. ARGENIO: Is it going too fast for you as my predecessor would say? You can go back and tell your boss what a great job you did. I don't see anything else here.

MR. EDSALL: Just something I want to have in the minutes so if anyone in their extreme boredom decides to read these minutes, there was a very extensive review made of the Wal-Mart site plan when the Wal-Mart site plan was reviewed by both Town of Newburgh and Town of New Windsor and there was extensive SEQRA review and site plan review made and the existence of this front pad at this time was a leased parcel and was included in that review, both the impact of having the pad and the impacts from the pad.

MR. ARGENIO: I don't remember what you call it, it was always going to be a development parcel.

MR. EDSALL: Let no one believe that that hasn't been looked at already, the only thing that's changed is the format.

MR. ARGENIO: I just said that.

MR. EDSALL: I want the record to be clear that there was a thorough SEQRA review made prior.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. CORDISCO: I just wanted to remind you that I did prepare a written resolution and so--

MR. ARGENIO: Got that right here, thank you. Motion has been made and seconded that the Town of New Windsor



August 8, 2007

24

Planning Board grant final approval to the Wal-Mart subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEWUEN	AYE
MR. ARGENIO	AYE





**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** WALMART MINOR SUBDIVISION  
**PROJECT LOCATION:** NYS ROUTE 300  
SECTION 4 – BLOCK 1 – LOT 5.22  
**PROJECT NUMBER:** 07-08  
**DATE:** 8 AUGUST 2007  
**DESCRIPTION:** THE APPLICATION PROPOSES A MINOR SUBDIVISION TO CREATE A TAX LOT FOR THE OUT-PARCEL NEAR ROUTE 300, RATHER THAN A LEASE PARCEL AS INITIALLY SHOWN ON THE OVERALL WALMART DEVELOPMENT PLAN. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 14 MARCH 2007 PLANNING BOARD MEETING.

1. This application proposes a minor subdivision to “break out” the former lease parcel (in a slightly revised form) into its own lot. The applicant’s configuration required a referral to the ZBA. It is my understanding that the applicant has obtained the necessary lot width variance.

In my prior comments, I requested the following (since we have not received revised plans, these items must be on the final plans submitted for stamp of approval):

- The bulk table should be completed/expanded. In addition, the plan should note the variances obtained.
- The following note should be added to the plans submitted for stamping.:

*“Site Plan approval is required from the Town of New Windsor Planning Board for any use on this property. Prospective applicants are cautioned that the curb-cuts existing on the site (off the internal Wal-Mart loop road) are from a prior site plan approval. Such curb cut location may or may not be deemed a valid location at the time a new site plan application is considered by the Planning Board.”*

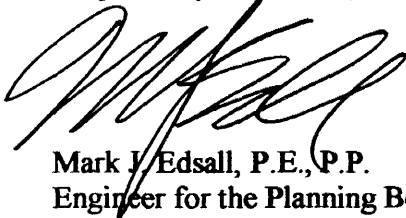
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- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



2. Toward the goal of consideration of approval, note the following status for various aspects of the application:
- Orange County Planning (GML 239) Referral - was referred to the OCPD on 3-16-07 for review. A response dated 5-7-07 has been received. The County returned the matter "Local Determination".
  - Referral to Town of Newburgh (GML 239-nn) - since the project is within 500 feet of the Town Line, a copy of the Orange County Department of Planning Referral form and the plans were forwarded to the Town of Newburgh. I have received a letter from the Attorney to the Planning Board, with the Town of Newburgh advising that utility service for this lot is not provided by that Town. As such, all utilities for this lot are to be obtained from New Windsor. A note to such effect should be added to the plans.
  - Public Hearing - the Planning Board should determine if a Public Hearing will be necessary for this minor subdivision, or if same can be waived per Section 257-13 (A) of the Subdivision Regulations. If the Board decides to waive the hearings, BOTH Preliminary and Final Hearings should be waived.
  - SEQRA Lead Agency - Planning Board should assume position of Lead Agency at this time.
  - SEQRA Determination - The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.
3. If the board believes the application is in final form, I recommend the Board authorize the Attorney for the Planning Board to prepare a "negative declaration" resolution and Conditional Final Subdivision Approval resolution, and authorize the Chairman to sign such resolutions.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board



WAL-MART\_OUT-LOT\_SUBDIVISION\_(07-08)\_--CONTINUATION

---

MR. ARGENIO: Anybody here from Wal-Mart?

MR. EDSALL: Mr. Chairman, the Wal-Mart application is a referral to the Zoning Board, rather than clog up our agenda, I would suggest that the board just deem it incomplete and ship to the Zoning Board.

MR. ARGENIO: Have you--

MR. EDSALL: We've gone over it with the applicant.

MR. ARGENIO: Tell me about it, Mark.

MR. EDSALL: If you recall from the rather exhaustive review that that board did with the Town of Newburgh Planning Board for the expansion of the Wal-Mart and then in turn you received applications for the Hudson Valley Federal Credit Union the front of the total project had three out-parcels, one was the existing Hudson Valley Federal Credit Union, there was a parcel in between that and a third parcel which was approved for a gas station use with Wal-Mart to the south, correct. Apparently those intentions have changed, they're looking to split the lot where the gas station was off as a separate lot, probably market it for some use, God knows what, they'll be back for a site plan approval, but that lot the way it was configured after they sold the middle lot to the Hudson Valley Federal Credit Union falls short of the lot width requirement.

MR. ARGENIO: That's the lot width on Union Avenue?

MR. EDSALL: Parallel generally to Union Avenue, it's not significantly short but it's short and since they have released the middle parcel they're now kind of stuck.

MR. ARGENIO: What would they be asking the zoning



board for?

MR. EDSALL: Relief on the lot width for that lot.

MR. ARGENIO: To what?

MR. EDSALL: To get a variance, an area variance so that they can come back to this board with a site plan of some sort. The bottom line is it's wide enough but only wide enough if you follow it to the road internal to Wal-Mart. If you do what our code says which is take the width parallel to the highway it comes up a little short.

MR. ARGENIO: So they're looking for relief from that lot width so they can come up with something?

MR. EDSALL: That's right, they have to come back here any way so whatever use it is has to work from a layout and functional basis.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion that we determine the Wal-Mart application incomplete.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board determine that the Wal-Mart subdivision plan incomplete at this time. If there's no further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE



March 14, 2007

44

MR. ARGENIO

AYE





McGOEY, HAUSER and EDSALL  
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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** WALMART SUBDIVISION  
**PROJECT LOCATION:** NYS ROUTE 300  
SECTION 4 – BLOCK 1 – LOT 5.22  
**PROJECT NUMBER:** 07-08  
**DATE:** 14 MARCH 2007

1. As part of the Wal-Mart site plan and subdivision, existing lots on the properties were reconfigured and lot lines in the area of Rt. 300 and Liner Road eliminated. As part of the site plan approvals, a "filling station lease lot" was created in the referenced area.

This application proposes a minor subdivision to "break out" the former lease parcel (in a slightly revised form) into its own lot.

The property is in the C zoning district. The plans have a bulk table on the second sheet. It should be moved to the survey plat – sheet 1, and be made complete (show all values and provide "required" values for the remainder Wal-Mart lot (which must also continue to comply with zoning). The table notes uses which are permitted in the zone, and are consistent with the bulk values (except car sales which should be removed since such use has a greater bulk requirement). The lot meets all bulk requirements with the exception of lot width, for which a variance is needed.

2. *It is my recommendation that the planning board deem this application incomplete, and forward this application to the Zoning Board of Appeals for necessary action.*

The Board may wish to make a joint referral to the OCDP under GML 239 (a referral is also needed to the Town of Newburgh) and advise the ZBA of their intent to act as Lead Agency under the SEQRA review process.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

MJE/st NW07-08-14Mar07.doc

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• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •





PROJECT: Walmart

P.B. # 457-8

**NEGATIVE DEC:**

M) HV S) NS VOTE: A ✓ N —

CARRIED: Y\_\_\_\_\_N\_\_\_\_\_

→ N.W. will be Lead Agency

WAIVED: ✓

CLOSED: \_\_\_\_\_ FINAL: \_\_\_\_\_

SCHEDULE P.H.: Y\_\_\_\_N\_\_\_\_

RETURN TO WORK SHOP: Y N

REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

CONCEPTUAL: \_\_\_\_\_ PRELIMINARY: \_\_\_\_\_ COND. FINAL: \_\_\_\_\_ FINAL ☒

APPROVED: \_\_\_\_\_

[illegible]

MEETING DATE:





## **COUNTY OF ORANGE**

**EDWARD A. DIANA**  
COUNTY EXECUTIVE

## **DEPARTMENT OF PLANNING**

124 MAIN STREET  
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www.orangecountygov.com/planning

**DAVID CHURCH, A.I.C.P.**  
COMMISSIONER

### **ORANGE COUNTY DEPARTMENT OF PLANNING** **239 L, M OR N REPORT**

**This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.**

**Referred by:** Town of New Windsor  
Planning Board

**Reference/County ID No.:** NWT11-07N  
**County Tax ID:** S4 B1 L5.22

**Applicant:** Wal-Mart Real Estate

**Proposed Action:** 2-Lot Commercial Subdivision

**Reason for Review:** Within 500 ft of County Route 300/Municipal boundary of Town of Newburgh

**Date of Full Statement:** April 3, 2007

#### **Comments:**

1. The applicant seeks to subdivide a 2.963 acre parcel, in a C Design Shopping zoning district, into Lots 1 and 2 of 47,558sf and 80,327sf respectively. The buildable area that stretches onto both lots is currently developed with curb cuts. Lot 2 contains an access driveway that connects to the adjacent shopping plaza. The parcel is accessible to Route 300 by Liner Road.
2. Although the proposed action may have inter-municipal and county-wide impacts with regard to increased traffic volume along a major road, the County recommends that approval or disapproval be locally determined.

However, it is noted that the submitted plans do not include an intended purpose for Lot 1. It is further noted that the proposed action requires the submission of a Short EAF, which could include a statement of the intended purpose of the said lot. This Department recommends that the Board consider approving this action only after a statement of intended use is submitted by the applicant and an EAF is submitted.

Furthermore, it is noted that, among the permitted by right uses in the C zoning district that could qualify for development on Lot 1 based on minimum lot area requirements, is "eating and drinking places, including catering establishments." The County recommends that the Board strongly consider the impact on traffic volume at the said location if certain eating and drinking establishments are proposed for use, specifically the type that have high, frequent turnover of cars.



**County Recommendation:**

**Local Determination XXXX**

**Date: May 7, 2007**

**Prepared by: Atticus Lanigan, Planner**

  
\_\_\_\_\_  
**Dave Church, AICP**  
**Commissioner of Planning**

"IMPORTANT NOTE: As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)."



cc: M.E.  
D.C.

P.B.#07-08

RIDER, WEINER & FRANKEL, P.C.

ATTORNEYS & COUNSELLORS AT LAW

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MARK C. TAYLOR  
RODERICK E. DE RAMON  
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April 11, 2007

M.J. RIDER (1906-1968)  
ELLIOTT M. WEINER (1915-1990)

STEPHEN P. DUGGAN, III  
BRUCE C. DUNN, SR.  
COUNSEL

MOACYR R. CALHELHA  
CRAIG F. SIMON  
DAVID E. TOWER  
OF COUNSEL

firm@riderweiner.com  
www.riderweiner.com

Mark J. Edsall, P.E., P.P., Engineer for the Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

RE: Wal-Mart Commercial Subdivision Application  
NYS Route 300  
New Windsor Planning Board No. 07-08  
Our File No. 800.1(C)(24)(2004)

Dear Mr. Edsall:

Supervisor Booth has requested that I reply to your letter of March 16, 2007 regarding the above referenced subdivision. Our only comment pertains to the provision of utility service to the two lots and is strictly precautionary. While the Town of Newburgh does provide water and sewer service to the Wal-Mart supercenter store that was recently expanded across the municipal boundary, Newburgh has not agreed to serve any other building or facility on Wal-Mart's New Windsor properties. Accordingly, the Planning Board should be aware that any future provision of water and sewer service to the subdivided lots will be from New Windsor's utility system. While that is likely already known to the Planning Board and applicant, we wished to avoid any future misunderstanding.

Your letter and enclosures have been referred to the Newburgh Planning Board for its consideration and further comment.

Thank for your courtesies.

Very truly yours,

  
Mark C. Taylor,

Attorney for the Town of Newburgh

MCT/sel

cc: Hon. Wayne C. Booth, Supervisor  
John Ewasutyn, Planning Board Chairman (w/ submission)  
James Osborne, Town Engineer





# Town of New Windsor

555 Union Avenue  
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Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

16 March 2007

Town of Newburgh  
1496 Route 300  
Newburgh, New York 12550

ATT: Supervisor Wayne C. Booth

SUBJECT: WAL-MART COMMERCIAL SUBDIVISION APPLICATION  
NYS ROUTE 300  
NEW WINDSOR PLANNING BOARD NO. 07-08

Dear Supervisor Booth:

The Town of New Windsor Planning Board has received an application for minor subdivision approval for a two-lot commercial subdivision of the Wal-Mart Properties on Route 300, near the Town line.

The Planning Board has determined that the application is within 500 feet of the Town Line and, in accordance with GML 239-nn of the State law, a copy of the Orange County Department of Planning Referral form and the plans are being forwarded herewith. A public hearing has not yet been scheduled; same is discretionary for the Planning Board. The application has also been referred to the New Windsor ZBA for a lot width variance at this time.

Should you have any concerns or input with regard to this application, I request that you provide a letter to the Planning Board sharing the specifics of your concern/comment at your earliest convenience. If you have any questions regarding this referral, please do not hesitate to contact the undersigned or the Planning Board office at the number listed above. Thank you for your attention to this matter.

Very truly yours,  
TOWN OF NEW WINDSOR PLANNING BOARD

*Mark J. Edsall, P.E., P.P.*

Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

MJE/st  
NW07-08-T-Newburgh Ref 239-nn - 03-14-07



# ORANGE COUNTY DEPARTMENT OF PLANNING

124 Main Street  
Goshen, NY 10924-2124

## APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 07-08 (Please include this number on any correspondence)

1. Municipality Town of New Windsor

Public Hearing Date: not set

City, Town or Village Board \_\_\_\_\_ Planning Board X Zoning Board \_\_\_\_\_

2. Owner: Name: Wal-Mart Real Estate  
Address: 2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716

3. Applicant \* Name: same  
Address: \_\_\_\_\_

**\*If applicant is owner, leave blank**

4. Location of Site: NYS Route 300 (at Town Line with T/Newburgh)  
(Street or highway, plus nearest intersection)

Tax Map Identification: Section: 4 Block: 1 Lot: 5.22

Present Zoning District: C Size of Parcel: 1.06+ Acres

5. Type of Review:

### \*\*Subdivision


Zone Change: From -- To: --

Zoning Amendment: To Section \_\_\_\_\_

\*\*Subdivision: Number of Lots/Units Two Lot Commercial Subdiv.

\*\*\*Site Plan: Use \_\_\_\_\_

Date: 3-16-07

Signature & Title: Mark J. Edsall, P.E., P.P.  
**Mark J. Edsall, P.E.,**  
**Planning Board Engineer** 



**Partners**

Charles W. Manning, P.E.  
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Donald G. Sovey, P.L.S.

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Shelly A. Johnston, P.E.  
Edwin C. Lawson  
Jeffrey W. Pangburn, P.E.  
Mark A. Sargent, P.E.

May 11, 2007

Mr. John Ewasutyn  
Planning Board Chairman  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, NY 12550

**RE: Follow Up Study for the Wal-Mart Expansion, NYS Route 300 (Union Avenue),  
Town of Newburgh and New Windsor, NY; Town of Newburgh Project No. 2003-58,  
CME Project No. 03-149**

Dear Mr. Ewasutyn:

Creighton Manning Engineering has completed a follow up study of the expansion of the Wal-Mart Supercenter located on Route 300 in the Towns of Newburgh and New Windsor. As you will recall, this study was required as part of the conditional approval of the project. The following summarizes our findings and comparison to the traffic study prepared for the project by SRF & Associates:

**Traffic Volumes**

Traffic counts at the intersections of Route 300 and the signalized Wal-Mart Driveway, and the unsignalized Liner Road intersections were completed on Wednesday, April 11, 2007 from 4:00 p.m. to 6:00 p.m. and on Saturday April 14, 2007 from 11:00 a.m. to 1:00 p.m. The 2007 Existing traffic volumes are summarized on Figure 1 for the PM peak hour and Figure 2 for the Saturday peak hour. In parenthesis are the Build traffic volumes estimated in the traffic study conducted for the project, followed by the percent difference of the two volumes shown in brackets.

As shown on these figures, the existing traffic volumes are lower on all movements by as little as 5% and as much as 84%. It is noted that the original traffic study also included the construction of two out-parcels; assumed to be a gas station and a restaurant. These parcels have not been developed which could account for some of the differences between the existing traffic volumes and the projected Build traffic volumes.

The adjacent Hudson Valley Credit Union, located at the main entrance to Wal-Mart has developed plans to occupy one of the available out-parcels and construct a new credit union to replace the existing one. With this plan, only one out-parcel will remain available for development.

*Engineers, Planners and Surveyors*



The traffic study projected that approximately 65% of the site generated traffic would arrive from the north with 35% arriving from the south. The observed trip distribution indicates that 75% of the traffic is arriving from the north with only 25% arriving from the south.

### Levels of Service

A level of service comparison was made between the traffic study "Build with Improvement" conditions and the observed existing conditions. These analyses include the improvement at the main entrance of modifying the previous exclusive right turn lane to allow left and right turn movements from the same lane. Table 1 summarizes this comparison.

**Table 1 - Level of Service Summary**

Intersection	Control	SRF Traffic Study		Follow Up Study	
		PM Peak Build w/ Imp	SAT Peak Build w/ Imp	PM Peak 2007 Existing	SAT Peak 2007 Existing
Route 300/Walmart Driveway	S				
Walmart Driveway EB LTR		C (31.5)	C (23.4)	D (35.4)	D (42.3)
Route 300 NB L		B (19.9)	B (19.6)	A (8.2)	B (19.0)
Route 300 SB TR		B (12.5)	B (12.3)	A (9.7)	B (11.3)
Route 300 SB LT		C (25.0)	C (20.3)	A (9.7)	C (21.2)
		A (3.6)	A (3.0)	A (8.0)	A (2.8)
Overall		B (19.2)	B (15.6)	B (13.6)	B (20.0)
Route 300/Liner Road	U				
Route 300 NB L		D (27.2)	C (17.8)	B (12.8)	B (12.1)
Liner Road EB L		F (101.2)	F (55.0)	E (37.4)	D (28.5)
		B (14.7)	B (14.7)	C (15.9)	C (15.9)

Key: U, S = Unsignalized, Signalized  
X (Y.Y) = Level of Service (Delay, seconds per vehicle)  
NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound  
L, T, R = Left-Turn, Through, Right-Turn

At the signalized Route 300/Wal-Mart intersection, the 2007 existing delays are lower on Route 300 than projected in the study, while the driveway approach is slightly worse during the peak hours. A review of the signal timings reveal that the traffic study used a more balanced timing split giving more green time to the Wal-Mart exit driveway than what has been observed in the field. Given the higher traffic volumes on Route 300, prioritizing the signal timing on Route 300 has resulted in an overall improved operation during the PM peak hour.

During the Saturday peak hour, the existing conditions are slightly worse than the traffic study's projected conditions. Signal timing adjustments could be adjusted to improve these operations, however it is not considered necessary given that the intersection operates at adequate conditions, and that there is a proposed project (Newburgh Towne Center) on the east side of Route 300 that will have signalized access to Route 300 at the Wal-Mart driveway.

At the Route 300/Liner Road intersection, the existing operations are better than projected, primarily due to the lower realized traffic volumes. The remaining parcel to be developed on site is located near this entrance which will likely increase the delays experienced at this site entrance in the future.



### Conclusion

Based on this follow up study of the Wal-Mart Supercenter expansion, the existing traffic volumes observed at the site entrances are less than those projected in the build-out of the site. However, it is noted that the original traffic study also included two out-parcels, one of which will now be used by the existing Hudson Valley Federal Credit Union. The realized trip distribution is slightly different than projected, in that an additional 10% is currently traveling to and from the north than previously expected. Regardless, the operations of the site driveways are currently comparable or better than originally studied.

Therefore, no additional action is recommended at this time. However, the traffic generated by the development of the remaining out-parcel (located in the Town of New Windsor) should be compared to that of the original traffic study and this follow up study for consistency.

If you have any questions regarding this analysis, please do not hesitate to contact our Albany office.

Respectfully submitted,  
*Creighton Manning Engineering, LLP*

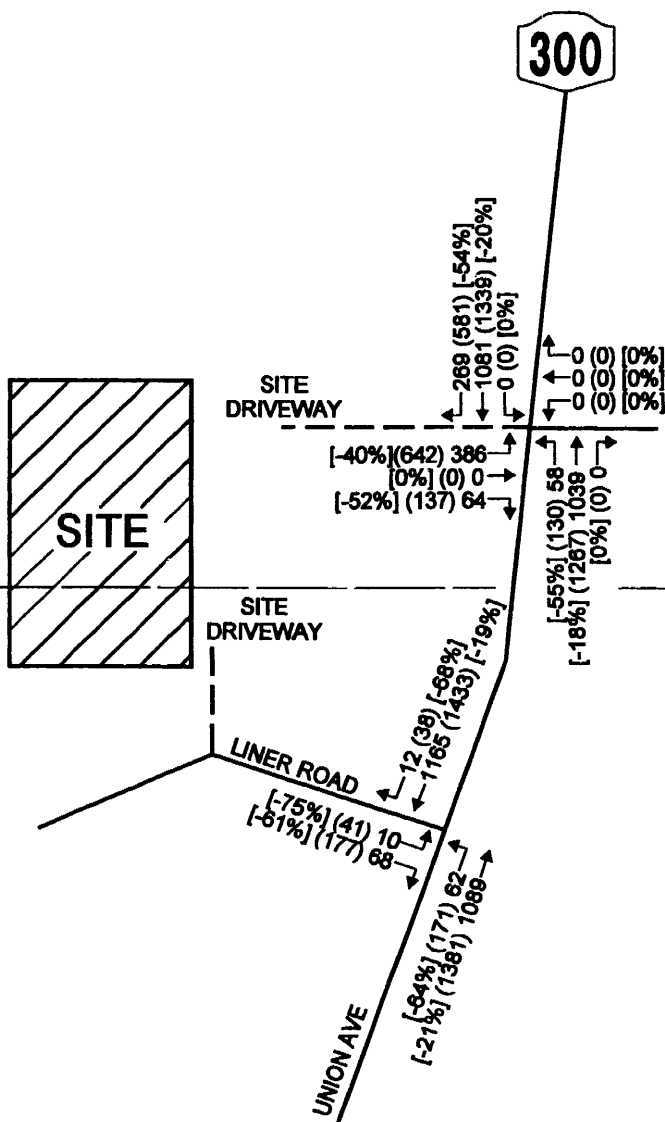


Kenneth Wersted, P.E.  
Project Engineer

Cc: Ed Garling – Town Planner  
Bryant Cocks – Town Planner  
Karen Arent – KALA  
Gerry Canfield – Town Bldg Dept  
Siby Zachariah – NYSDOT  
*Genaro Argonio – Town of New Windsor*

Pat Hines – MHE  
Mark Edsall – MHE  
Jim Osborne – Town Engineer  
Michael Donnelly – PB Attorney  
Cory Green – SRF & Associates





**FIGURE: 1**



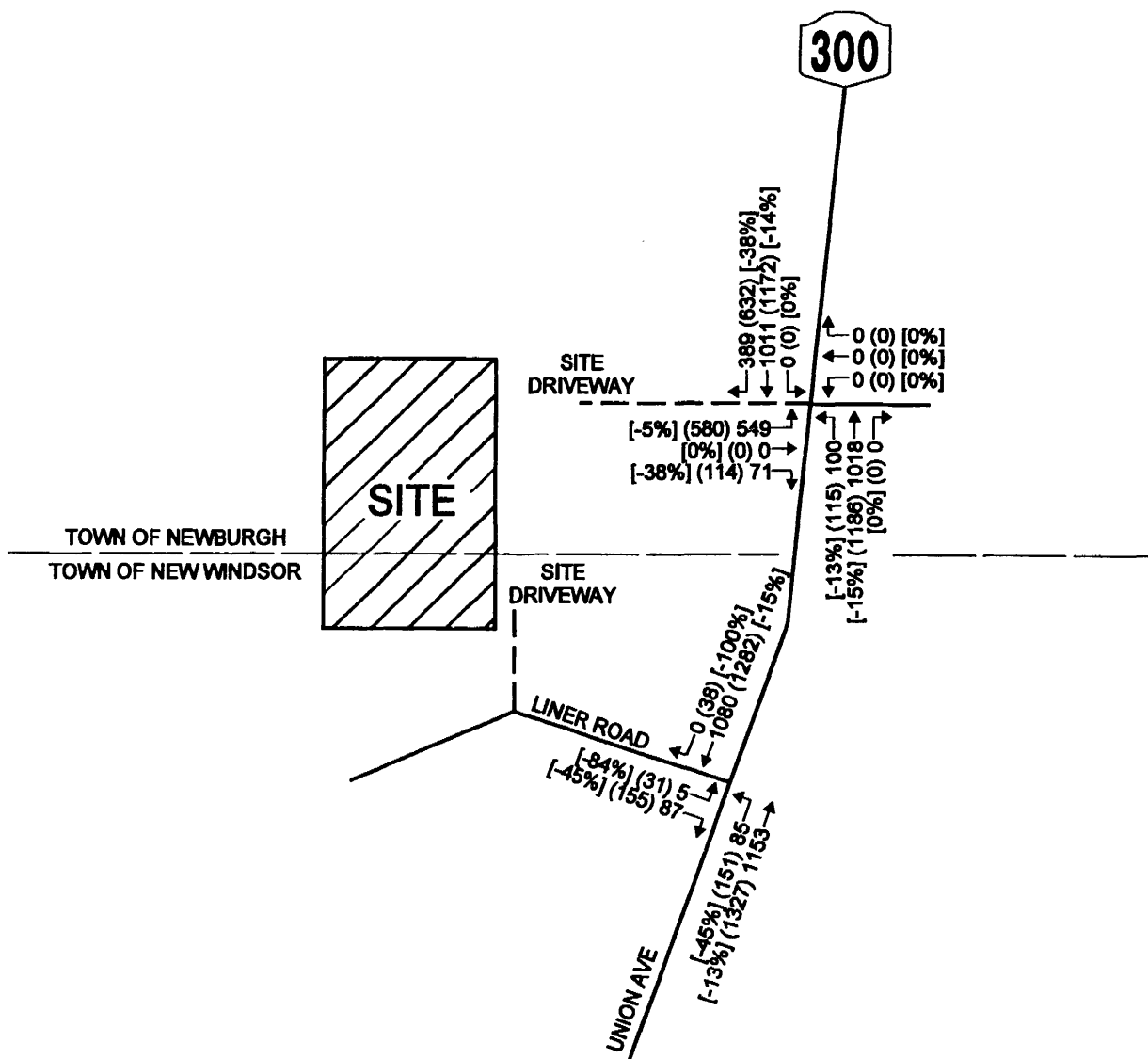


FIGURE: 2



**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: **07-08**

DATE: **3-16-07**

APPLICANT:

**Wal-Mart Real Estate**  
**2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: **1-23-07**

FOR: SUBDIVISION

LOCATED AT: **NYS Route 300**

ZONE: **C**

DESCRIPTION OF EXISTING SITE: SEC: **4** BLOCK: **1** LOT: **5.22**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Area Type Variance Required for Lot Width**

TOWN OF NEW WINDSOR CODE: **Bulk Tables – Section 300-8**

*Mark J. Edsall, P.E., P.P.*  
**Mark J. Edsall, P.E., P.P.**  
**Engineer for the Planning Board** *en*

*3/29/07 Sent ZBA Applicat.*



**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **07-08**

ZONE: **C**

USE: **not determined**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA (Gross)	40,000 sf	47558	-
MIN. LOT AREA (Net)	-	-	-
MIN. LOT WIDTH	200 ft	181	19 ft.
REQUIRED FRONT YARD	60 ft	-	-
REQUIRED SIDE YARD	30 ft	-	-
REQUIRED TOTAL SIDE YARD	70 ft	-	-
REQUIRED REAR YARD	30 ft	-	-
REQUIRED FRONTAGE	n/a	-	-
MAX. BLDG. HT.	12"/ft	-	-
FLOOR AREA RATIO	0.5	-	-
MIN. LIVABLE AREA	n/a	n/a	-
DEVELOPMENTAL COVERAGE	85%	-	--
O/S PARKING SPACES	-	-	-

**This is a subdivision application only. Setback values**

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**





PROJECT: Wal-Mart Out Lot P.B. # \_\_\_\_\_

**NEGATIVE DEC:**

M)\_\_\_\_S)\_\_\_\_VOTE: A\_\_\_\_N\_\_\_\_  
CARRIED: Y\_\_\_\_N\_\_\_\_

SEND TO O.C. PLANNING: Y\_\_\_\_  
SEND TO DEPT. OF TRANSPORTATION: Y\_\_\_\_

REFER TO Z.B.A.: M) ✓ S) M VOTE: A 4 N 0

RETURN TO WORK SHOP: Y\_\_N\_\_

**APPROVAL:**

M) - S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ APPROVED: \_\_\_\_\_

NEED NEW PLANS: Y\_\_\_\_\_N\_\_\_\_\_

**CONDITIONS - NOTES:**

Refer to Z.B.A.





**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**

33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mhenry@mhepc.com

☐ **Regional Office**

507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@mhepc.com

**Writer's E-mail Address:**

mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

**TOWN/VILLAGE OF:** NEW WINDSOR

**P/B APP. NO.:** 100-3

**WORK SESSION DATE:** 17 JAN 07

**PROJECT:** NEW ☒ X OLD

**REAPPEARANCE AT W/S REQUESTED:** No

**RESUB. REQ'D:** Full App'l

**PROJECT NAME:** Walnut Sch Div.

**REPRESENTATIVES PRESENT:** Adam Fichel (APD)

**MUNICIPAL REPS PRESENT:**

BLDG INSP. \_\_\_\_\_

FIRE INSP. \_\_\_\_\_

P/B CHM \_\_\_\_\_

PB ATTY. \_\_\_\_\_

PLANNER \_\_\_\_\_

OTHER \_\_\_\_\_

MHE REP (MJE) (Other) \_\_\_\_\_

**ITEMS DISCUSSED:**

C 201

A-1 A-Y

B-Y

A-1B

**STND CHECKLIST:**

DRAINAGE \_\_\_\_\_

DUMPSTER \_\_\_\_\_

SCREENING \_\_\_\_\_

LIGHTING \_\_\_\_\_

(Streetlights)

LANDSCAPING \_\_\_\_\_

BLACKTOP \_\_\_\_\_

ROADWAYS \_\_\_\_\_

APPROVAL BOX \_\_\_\_\_

**PROJECT STATUS:**

ZBA Referral:

Y N

Ready For Meeting

X Y N

Recommended Mtg Date

next avail

**PROJECT  
TYPE**

SITE PLAN

SPEC PERMIT

L L CHG.

COMM  
**SUBDIVISION**

OTHER



P.B. # 07-08

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#192-2007**

03/21/2007

A P D Engineering

Received \$ 75.00 for Planning Board Fees, on 03/21/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/14/2007

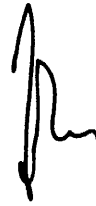
PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
/ /		CHG	0.00		
02/26/2007	REC. CK. #11039	PAID		1000.00	
		TOTAL:	0.00	1000.00	-1000.00

  
3/21/07



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/14/2007

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	02/26/2007	MUNICIPAL HIGHWAY	/ /	
ORIG	02/26/2007	MUNICIPAL WATER	/ /	
ORIG	02/26/2007	MUNICIPAL SEWER	/ /	
ORIG	02/26/2007	MUNICIPAL FIRE	3/14/07	Approved
ORIG	02/26/2007	NYS DOT	/ /	



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/14/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-8

NAME: WAL-MART OUT LOT SUBDIVISION PA2007-0021  
APPLICANT: APD ENGINEERING, PLLC

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/26/2007	EAF SUBMITTED	02/26/2007	WITH APPLIC
ORIG	02/26/2007	CIRCULATE TO INVOLVED AGENCIES	/	/
ORIG	02/26/2007	LEAD AGENCY DECLARED	/	/
ORIG	02/26/2007	DECLARATION (POS/NEG)	/	/
ORIG	02/26/2007	SCHEDULE PUBLIC HEARING	/	/
ORIG	02/26/2007	PUBLIC HEARING HELD	/	/
ORIG	02/26/2007	WAIVE PUBLIC HEARING	/	/
ORIG	02/26/2007	FINAL PUBLIC HEARING	/	/
ORIG	02/26/2007	PRELIMINARY APPROVAL	/	/
ORIG	02/26/2007	LEAD AGENCY LETTER SENT	/	/



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision X Lot Line Change \_\_\_\_\_ Site Plan \_\_\_\_\_ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 4 Block 1 Lot 5.22

### BUILDING DEPARTMENT PERMIT NUMBER:

PA 2007 - 21  
MUST FILL IN THIS NUMBER

1. Name of Project SUBDIVISION OF WAL-MART OUTLOT.
2. Owner of Record WAL-MART REAL ESTATE Phone (479) 204-2594  
BUSINESS TRUST  
Address: 2001 SE 10<sup>TH</sup> ST. BENTONVILLE, AR 72716  
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant APD ENGINEERING, PLLC Phone (585) 273-0273  
Address: 3445 WENTON PLACE, SUITE 209 ROCHESTER, NY 14623  
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan BRIAN DONOVAN Phone (315) 386-2776  
Address: 6431 US ROUTE 11 CANTON, NY 13617.  
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney NA Phone NA  
Address NA  
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:  
ADAM M. FISHEL, E.I.T. (585) 273-0273 (585) 273-0276  
(Name) (Phone) (fax)
7. Project Location: On the NORTH side of NYS ROUTE 300  
(Direction) (Street)
8. Project Data: Acreage 1.068 Zone C School Dist. \_\_\_\_\_

PAGE 1 OF 2

( PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

ENTERED MAR - 5 2007

07-08



9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No ✓

\*This information can be verified in the Assessor's Office.

\*If you answer yes to question 9, please complete the attached AAgricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) To SUB DIVIDE ± 1.09 ACRES FROM THE PROPERTY OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST WITH THE TAXED NUMBER MENTIONED ABOVE. ± 1.846 ACRES WILL REMAIN.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no ✓

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no ✓

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

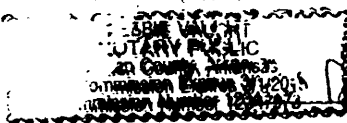
SWORN BEFORE ME THIS:

23<sup>rd</sup> DAY OF January 2007

[Signature]  
(OWNER'S SIGNATURE) Roy Covert  
[Signature]  
(AGENT'S SIGNATURE)

Adam M. FISHEL, E.T.

Please Print Agent's Name as Signed



Debbie Vaughn  
NOTARY PUBLIC

\*\*\*\*\*  
TOWN USE ONLY:

\_\_\_\_\_  
DATE APPLICATION RECEIVED

07-08  
APPLICATION NUMBER



**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

Walmart Real Estate Business Trust, deposes and says that he resides  
(OWNER)

at 702 SW 8<sup>th</sup> Street Bentonville AR 72716 in the County of Benton  
(OWNER'S ADDRESS)

and State of Arkansas and that he is the owner of property tax map

(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) 5.1 + 5.2  
designation number (Sec. 4 Block 1 Lot 1.1) which is the premises described in  
the foregoing application and that he designates:

\_\_\_\_\_  
(Agent Name & Address)

APD ENGINEERING, PLLC 3445 WATSON A, SUITE 203 ROCHESTER, NY 14625  
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

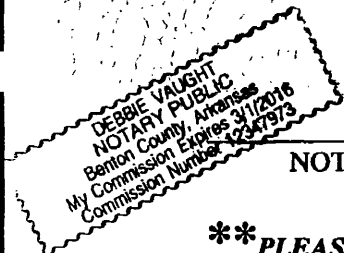
SWORN BEFORE ME THIS:

23<sup>rd</sup> DAY OF February 2007

\*\* [Signature] Dec. FUEL Station Dev. 1/2/2007  
Owner's Signature (MUST BE NOTARIZED)

[Signature]  
Agent's Signature (If Applicable)

[Signature]  
Professional Representative's Signature



Debbie Vaught  
NOTARY PUBLIC

**\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

**07-08**



## Appendix C

## State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <u>APD ENGINEERING, PLLC</u>	2. PROJECT NAME <u>SUBDIVISION OF FORMER WAL-MART FUELING STATION LOT</u>
3. PROJECT LOCATION: Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>THE LOT IS LOCATED JUST NORTH OF THE NYS RT 300 (UNION AVE) AND LINER ROAD INTERSECTION.</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>TO SUBDIVIDE APPROXIMATELY 1.09 ACRES FROM THE CURRENT 2.93 ACRE PARCEL OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST. THE TWO LOTS, 1.09 ACRES AND 1.84 ACRES RESPECTIVELY WILL BE OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>2.936</u> acres Ultimately <u>2.936</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>A LOT WIDTH VARIANCE WILL BE REQUIRED FROM THE TOWN ZBA.</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>APD ENGINEERING, PLLC</u> Date: <u>1/25/07</u> Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



07-08



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <span style="float: right;">If yes, coordinate the review process and use the FULL EAF.</span>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)


Reset

07-08



**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. ✓ Name and address of Applicant.
- \* 2. ✓ Name and address of Owner.
3. ✓ Subdivision name and location
4. ✓ Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. **(ON ALL PAGES OF SUBDIVISION PLAN)**  
  
SAMPLE: 
5. ✓ Tax Map Data (Section, Block & Lot).
6. ✓ Location Map at a scale of 1" = 2,000 ft.
7. ✓ Zoning table showing what is required in the particular zone and what applicant is proposing. - *APPLICANT IS NOT PROPOSING ANY SPECIFIC DEVELOPMENT ZONING IS DESCRIBED IN TEXT FORMAT.*
8. N/A Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9. ✓ Date of plat preparation and/or date of any plat revisions.
10. ✓ Scale the plat is drawn to and North arrow.
11. ✓ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12. ✓ Surveyor's certificate.
13. ✓ Surveyor's seal and signature.
14. ✓ Name of adjoining owners.
15. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements. - *FLOOD ZONE NOTE ON SHEET 2, GENERAL NOTES, NOTE No. 4*
- \* 16. N/A Flood land boundaries.
17. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued. - *MUNICIPAL SEWER AVAILABLE ON-SITE*



18. ✓ Final metes and bounds.
19. ✓ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. ✓ Include existing or proposed easements.
21. ✓ Right-of-way widths.
22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide). *No Road Construction Proposed*
23. ✓ Lot area (in square feet for each lot less than 2 acres).
24. ✓ Number the lots including residual lot.
25. N/A Show any existing waterways.
- \*26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office. *No Maintenance Agreements Required*
27. ✓ Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.
28. ✓ Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. N/A Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided. *No septic systems within 200'. Buildings are shown*
30. N/A Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test. *Municipal Sewer*
31. ✓ Provide A septic system design notes as required by the Town of New Windsor. *Municipal Sewer*
32. ✓ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. ✓ Indicate percentage and direction of grade.
34. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. N/A Indicate location of street or area lighting (if required).



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. NA A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: [Signature] 12/22/02  
Licensed Professional Date

\*\*\*\*\* PLEASE NOTE: \*\*\*\*\*

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**



ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

I Adam M. FISHEL, EIT hereby certify that the  
property or properties mentioned in this application is/are not located in a  
flood zone.

  
Signature

PLEASE NOTE:

\* IF PROPERTY IS NOT LOCATED IN A FLOOD ZONE, PLEASE  
SIGN ABOVE VERIFYING THAT. RETURN THIS FORM WITH  
PLANNING BOARD APPLICATION

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE  
COMPLETE THE ATTACHED PAPERS AND RETURN SAME  
WITH PLANNING BOARD APPLICATION.

07-08



Map Showing the Subdivision  
of a 2.936-Acre Parcel Owned by Wal-Mart Real Estate Business Trust  
Intersection of New York State Route 300 and Liner Road  
Town of New Windsor, Orange County, New York



Applicant:

APD Engineering, PLLC  
3445 Winton Place - Suite 208  
Rochester, New York 14623

Owner:

Wal-Mart Real Estate Business Trust  
2001 SE 10th Street  
Bentonville, Arkansas 72712-6489

Site Plan approval is required from the Town of New Windsor Planning Board for any use on this property. Prospective applicants are cautioned that the curb-cuts existing on the site (off the internal Wal-Mart loop road) are from a prior site plan approval. Such curb cut locations may or may not be deemed a valid location at the time a new site plan application is considered by the Planning Board.

Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns have reviewed and are in agreement with the subdivision parcel lines shown on this plan.

Wal-Mart Real Estate Business Trust Representative \_\_\_\_\_ Date \_\_\_\_\_

Town of New Windsor Consultant Engineer \_\_\_\_\_ Date \_\_\_\_\_

Town of New Windsor Planning Board Person \_\_\_\_\_ Date \_\_\_\_\_

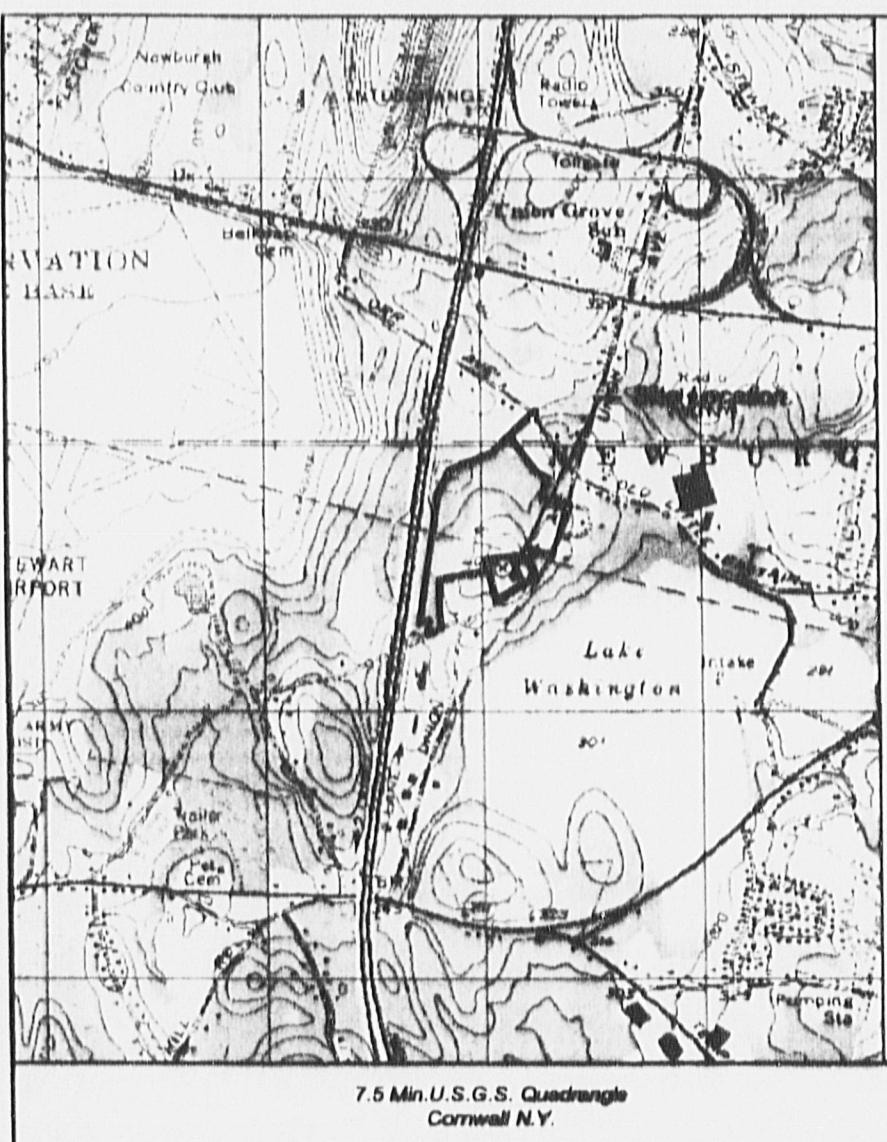
Town of New Windsor Code Enforcement \_\_\_\_\_ Date \_\_\_\_\_

Zoning:

Current zoning is Commercial (C), setback requirements are: Front Yard 60-feet, Side Yard/Total Both Sides 30/70-feet, and Rear Yard 30-feet.

Zoning Variance Note:

A 19-foot minimum lot variance was granted on July 9, 2007 by the Town of New Windsor Zoning Board of Appeals.



Legend:

- Existing or Proposed Wal-Mart Property Line
- Approximate Town Line
- Existing Easement Line
- Adjoiners Deed Line
- Building Setback From Property Line
- Found Iron (Pipe, Rebar, etc. cables)
- Set 5/8-inch Rebar with a 1 1/4-inch diameter red plastic cap Marked "J" There, PLS No. 080229
- Measured Distance
- Deeded Distance
- Major Contour
- Minor Contour
- Utility Pole
- Guy Anchor
- Water Valve
- Hydrant
- Gas Valve
- Storm Drain Manhole
- Catch Basin
- Sanitary Sewer Manhole
- Waterline
- Overhead Utilities
- 2-inch Plastic Gas Line
- Polyvinyl Chloride Pipe
- HDPE
- Reinforced Concrete Pipe
- RCP
- Comm.
- Buried Communications Line

Town of New Windsor  
Town of New Windsor

Now or Formerly  
Property of  
Wal-Mart Real Estate Business Trust  
Liber 11306 - Page 75  
Tax Parcel No. 4-1-1-1

Now or Formerly  
Property of  
Hudson Valley Federal Credit Union  
Tax Parcel No. 4-1-3-1  
Liber 4415 - Page 8

Now or Formerly  
Property of  
Hudson Valley Federal Credit Union  
Tax Parcel No. 4-1-5-11  
Liber 11646 - Page 1232

Property of  
Wal-Mart Real Estate Business Trust  
Liber 11640 - Page 404  
A Portion of Tax Parcel No. 4-1-5-22

Lot No. 1  
Contains: 47,558 Sq. Ft.  
or 1.092± Acres  
Zoned Commercial (C)-(Town of New Windsor)

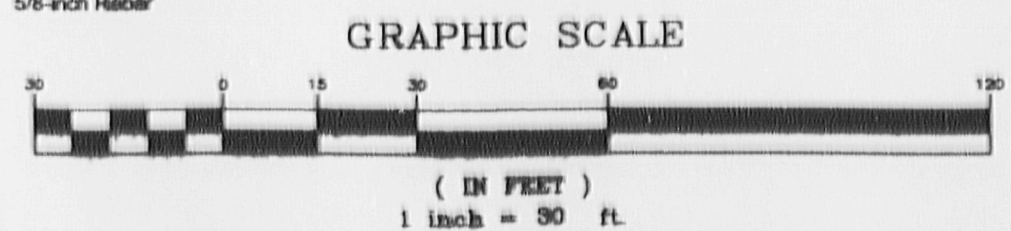
Now or Formerly  
Property of  
Wal-Mart Real Estate Business Trust  
Liber 11640 - Page 404  
Tax Parcel No. 4-1-5-22

Lot No. 2  
Contains: 1,844 Acres  
or  
80,327 Sq. Ft.

Overall Parcel  
Contains: 2.936 Acres  
or  
127,885 Sq. Ft.

Now or Formerly  
Property of  
R & R Partnership  
Tax Parcel No. 4-1-4  
Liber 5058 - Page 119

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law.  
Only copies from the original of this survey marked with an original seal shall be considered to be valid and true copies.



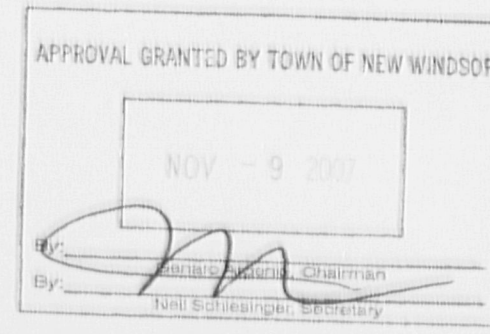
The undersigned surveyor hereby certifies to:  
1) Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns;  
2) Harter, Secrest and Emery, LLP, and  
3) Chicago Title Insurance Company or Tior Insurance Company, as their interests may appear  
that this map was made from an actual instrument survey of the parcel shown hereon completed on October 10, 2005 and that the survey and map are correct, and it is in accordance with the existing code of practice for land surveys as adopted by the New York State Association of Professional Land Surveyors on July 15, 1985.  
Licensed Land Surveyor No. 090378  
Date \_\_\_\_\_

P.O. Box 463  
4331 US Highway 11  
Canton, New York 13617  
Telephone: 315/386-7776  
Facsimile: 315/386-1012

DATE:	11/30/06
CHECKED:	
SCALE:	1" = 30'
PROJECT NUMBER:	CK2956B-10-06

Revisions		
REV	DESCRIPTION	DATE
01	Added Zoning Notes and Town Note	1/31/07
02	Addition of Zoning Variance Note	7/31/07
03	Changed Western Boundary Lines	1/24/07
04	Revised to Comply with Town Checklist	12/21/06

Wal-Mart Real Estate Business Trust Final Subdivision Plan 2.936-Acre Parcel Sheet 1 of 2	
Town of New Windsor County of Orange State of New York	
<b>A</b> Thew Associates, PLLC Land Surveyors - GPS Consultants	





Overall Parcel  
Property of  
Wal-Mart Real Estate Business Trust  
2.936± Acres

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more precisely described as follows:

Beginning at a 5/8-inch rebar set on the northerly bounds of Liner Road, said rebar being set at the southeasterly corner of a parcel of land conveyed by Rose M. Talbot et al to R & R Partnership by deed dated May 4, 1990 and recorded in the Orange County Clerk's Office on May 13, 1990 in Liber 8068 of Deeds at Page 116, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,631.1 feet North and 608,637.1 feet East;

thence North 11 degrees 26 minutes 33 seconds West, along the easterly line of R&R Partnership, a distance of 355.28 feet to a 5/8-inch rebar found at a northeasterly corner of R&R Partnership;

thence along the southerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Wal-Mart Real Estate Business Trust by deed dated October 31, 1986 and recorded in the Orange County Clerk's Office on May 5, 2003 in Liber 11638 of Deeds at Page 75, the following courses and distances:

North 10 degrees 12 minutes 28 seconds West a distance of 146.88 feet to a found 5/8-inch rebar;

North 84 degrees 03 minutes 04 seconds East a distance of 427.34 feet to 5/8-inch rebar found on the westerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 8, said rebar also being at the northeasterly corner of a parcel of land conveyed by Wal-Mart Stores East, L.P. to Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on October 19, 2004 in Liber 11646 of Deeds at Page 1232;

thence along the westerly line of Hudson Valley Federal Credit Union, the following courses and distances:

South 16 degrees 11 minutes 00 seconds West a distance of 91.55 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 65 degrees 52 minutes 05 seconds and a radius of 100.00 feet, an arc distance of 114.86 feet (chord: South 49 degrees 07 minutes 11 seconds West, 108.73 feet) to a set 5/8-inch rebar;

South 10 degrees 02 minutes 16 seconds West a distance of 255.92 feet to a 5/8-inch rebar set on the northerly bounds of Liner Road;

thence South 54 degrees 29 minutes 17 seconds West, along the northerly bounds of Liner Road, a distance of 216.50 feet to the Point of Beginning;

To contain 2.936 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404.

The above-mentioned bearings are grid bearings referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

Property of  
Wal-Mart Real Estate Business Trust  
1.092± Acres

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more precisely described as follows:

Commencing at a 5/8-inch rebar set on the northerly bounds of Liner Road, said rebar being at the southeasterly corner of a parcel of land conveyed by Rose M. Talbot et al to R & R Partnership by deed dated May 4, 1990 and recorded in the Orange County Clerk's Office on May 13, 1990 in Liber 8068 of Deeds at Page 116, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,631.1 feet North and 608,637.1 feet East;

thence North 54 degrees 29 minutes 17 seconds East, along the northerly bounds of Liner Road, a distance of 89.38 feet to a set 5/8-inch rebar, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,983.0 feet North and 608,709.9 feet East, said rebar also being the Point of Beginning;

thence through a parcel of land conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404, the following courses and distances:

along a curve deflecting to the right, having a central angle of 48 degrees 45 minutes 35 seconds and a radius of 56.00 feet, an arc distance of 47.66 feet (chord: North 34 degrees 26 minutes 57 seconds West, 46.23 feet) to a set 5/8-inch rebar;

North 10 degrees 04 minutes 11 seconds West a distance of 123.93 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 34 degrees 45 minutes 40 seconds and a radius of 60.00 feet, an arc distance of 25.83 feet (chord: North 02 degrees 18 minutes 44 seconds East, 25.73 feet) to a set 5/8-inch rebar;

North 14 degrees 41 minutes 46 seconds East a distance of 144.09 feet to a set 5/8-inch rebar;

North 54 degrees 58 minutes 24 seconds East a distance of 16.32 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 80 degrees 01 minutes 36 seconds and a radius of 60.00 feet, an arc distance of 52.39 feet (chord: North 79 degrees 58 minutes 12 seconds East, 50.74 feet) to a set 5/8-inch rebar;

South 75 degrees 00 minutes 00 seconds East a distance of 94.83 feet to a 5/8-inch rebar set on the westerly line of a parcel of land conveyed by Wal-Mart Stores East, L.P. to Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on October 19, 2004 in Liber 11646 of Deeds at Page 1232;

thence South 10 degrees 02 minutes 16 seconds West, along the westerly line of Hudson Valley Federal Credit Union, a distance of 250.58 feet to a 5/8-inch rebar set on the northerly bounds of Liner Road;

thence South 54 degrees 29 minutes 17 seconds West, along the northerly bounds of said Liner Road, a distance of 127.12 feet to the Point of Beginning;

To contain 1.092 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404.

The above-mentioned bearings are grid bearings referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

Property of  
Wal-Mart Real Estate Business Trust  
1.844± Acres

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more precisely described as follows:

Beginning at a 5/8-inch rebar set on the westerly bounds of Liner Road, said rebar being set at the southeasterly corner of a parcel of land conveyed by Rose M. Talbot et al to R & R Partnership by deed dated May 4, 1990 and recorded in the Orange County Clerk's Office on May 13, 1990 in Liber 8068 of Deeds at Page 116, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,631.1 feet North and 608,637.1 feet East;

thence North 11 degrees 26 minutes 33 seconds West, along the easterly line of R & R Partnership, a distance of 355.28 feet to a 5/8-inch rebar found at a northeasterly corner of R&R Partnership;

thence along the southerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Wal-Mart Real Estate Business Trust by deed dated October 31, 1986 and recorded in the Orange County Clerk's Office on May 5, 2003 in Liber 11638 of Deeds at Page 75, the following courses and distances:

North 10 degrees 12 minutes 28 seconds West a distance of 146.88 feet to a found 5/8-inch rebar;

North 84 degrees 03 minutes 04 seconds East a distance of 427.34 feet to 5/8-inch rebar found on the westerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 8, said rebar also being at the northeasterly corner of a parcel of land conveyed by Wal-Mart Stores East, L.P. to Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on October 19, 2004 in Liber 11646 of Deeds at Page 1232;

thence along the westerly line of Hudson Valley Federal Credit Union, the following courses and distances:

South 16 degrees 11 minutes 08 seconds West a distance of 91.55 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 65 degrees 52 minutes 05 seconds and a radius of 100.00 feet, an arc distance of 114.86 feet (chord: South 49 degrees 07 minutes 11 seconds West, 108.73 feet) to a 5/8-inch rebar;

South 10 degrees 02 minutes 16 seconds West a distance of 5.33 feet to a set 5/8-inch rebar;

thence through a parcel of land conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust, by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404, the following courses and distances:

North 75 degrees 00 minutes 00 seconds West a distance of 94.83 feet to a set 5/8-inch rebar;

along a curve deflecting to the left, having a central angle of 50 degrees 01 minutes 36 seconds and a radius of 60.00 feet, an arc distance of 52.39 feet (chord: South 79 degrees 58 minutes 12 seconds West, 50.74 feet) to a set 5/8-inch rebar;

South 54 degrees 58 minutes 24 seconds West a distance of 19.32 feet to a set 5/8-inch rebar;

South 14 degrees 41 minutes 46 seconds West a distance of 144.09 feet to a set 5/8-inch rebar;

along a curve deflecting to the left, having a central angle of 34 degrees 45 minutes 40 seconds and a radius of 60.00 feet, an arc distance of 25.83 feet (chord: South 02 degrees 18 minutes 44 seconds East, 25.73 feet) to a set 5/8-inch rebar;

South 10 degrees 04 minutes 11 seconds East a distance of 123.93 feet to a set 5/8-inch rebar;

along a curve deflecting to the left, having a central angle of 48 degrees 45 minutes 35 seconds and a radius of 56.00 feet, an arc distance of 47.66 feet (chord: South 34 degrees 26 minutes 57 seconds East, 46.23 feet) to a set 5/8-inch rebar;

thence South 54 degrees 29 minutes 17 seconds West, along the northerly bounds of Liner Road, a distance of 89.38 feet to the Point of Beginning;

To contain 1.844 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404.

The above-mentioned bearings are grid bearings referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

Legend:

	Existing or Proposed Wal-Mart Property Line
	Approximate Town Line
	Existing Easement Line
	Adjoiners Deed Line
	Building Setback From Property Line
	Found Iron (Pipe, Rebar, et cetera)
	Set 5/8-inch Rebar with a 1 1/4-inch diameter red plastic cap Marked "J". Thew, PLS No. 050226*
	Measured Distance
	Deeded Distance
	Major Contour
	Minor Contour
	Utility Pole
	Guy Anchor
	Water Valve
	Hydrant
	Gas Valve
	Storm Drain Manhole
	Catch Basin
	Sanitary Sewer Manhole
	Waterline
	Overhead Utilities

Notes Corresponding to Schedule "B"  
of Fidelity National Title Insurance Company Title No. 06-7403-24923-OR  
Bearing an Effective Date of June 10, 2006

- Easement granted to Central Hudson Gas & Electric Corporation by deed recorded in the Orange County Clerk's Office on January 18, 1929 in Liber 603 of Deeds at Page 336. Blanket in nature, but does not encumber the surveyed premises.
- Easement granted to Central Hudson Gas & Electric Corporation by deed recorded in the Orange County Clerk's Office on November 23, 1931 in Liber 724 of Deeds at Page 126. Blanket in nature, but does not encumber the surveyed premises.
- Easement granted to Central Hudson Gas & Electric Corporation, and New York Telephone Company by deed recorded in the Orange County Clerk's Office on April 4, 1932 in Liber 728 of Deeds at Page 39. Blanket in nature, but does not encumber the surveyed premises.
- Easement granted to Central Hudson Gas & Electric Corporation, and New York Telephone Company by deed recorded in the Orange County Clerk's Office on May 13, 1953 in Liber 1287 of Deeds at Page 174. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated March 24, 1953 and recorded in the Orange County Clerk's Office on May 13, 1953 in Liber 1287 of Deeds at Page 176. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated July 8, 1953 and recorded in the Orange County Clerk's Office on September 12, 1953 in Liber 1287 of Deeds at Page 37. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated July 8, 1953 and recorded in the Orange County Clerk's Office on September 12, 1953 in Liber 1287 of Deeds at Page 39. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated July 9, 1953 and recorded in the Orange County Clerk's Office on April 16, 1959 in Liber 1488 of Deeds at Page 368. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated May 20, 1980 and recorded in the Orange County Clerk's Office on July 1, 1980 in Liber 1550 of Deeds at Page 540. Blanket in nature, but does not encumber the surveyed premises.
- Easement between Wal-Mart Stores, Inc. and James Z. Patsalos by deed dated April 8, 1993 and recorded in the Orange County Clerk's Office on July 9, 1993 in Liber 3845 of Deeds at Page 305. does not encumber the surveyed premises.
- Easement between Wal-Mart Real Estate Business Trust and T.L. Cannon Corporation by deed dated November 15, 1997 and recorded in the Orange County Clerk's Office on June 22, 1998 in Liber 4011 of Deeds at Page 169. does not encumber the surveyed premises.
- Easement between Wal-Mart Stores, Inc. and Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 13. does not encumber the surveyed premises.
- Easement between Wal-Mart Stores, Inc. and Hudson Valley Federal Credit Union by deed dated June 10, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 20. does not encumber the surveyed premises.
- Easement between Town of Newburgh and Wal-Mart Real Estate Business Trust by deed dated October 18, 2004 and recorded in the Orange County Clerk's Office on November 22, 2004 in Liber 11676 of Deeds at Page 1,254. benefits the surveyed premises, but is not plottable.
- Easement between Town of Newburgh and Wal-Mart Real Estate Business Trust by deed dated October 18, 2004 and recorded in the Orange County Clerk's Office on November 22, 2004 in Liber 11676 of Deeds at Page 1,264. benefits the surveyed premises but is not plottable.
- Easement between Wal-Mart Real Estate Business Trust and Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on February 1, 2005 in Liber 11739 of Deeds at Page 371. does not encumber the surveyed premises.
- Easements with Covenants and Restrictions between Wal-Mart Real Estate Business Trust and Hudson Valley Federal Credit Union by deed dated August 11, 2004 and recorded in the Orange County Clerk's Office on February 1, 2004 in Liber 11739 of Deeds at Page 391. benefits the surveyed premises but is not plottable.
- Permanent Easement for Slopes appropriated by the State of New York by deed dated September 13, 1984 and recorded in the Orange County Clerk's Office on June 18, 1985 in Liber 2373 at Page 259. does not encumber the surveyed premises and is plotted hereon.
- Permanent Easement for Slopes appropriated by the State of New York per taking map No. 56 Parcel No. 88 dated December 13, 1984. does not encumber the surveyed premises and is plotted hereon.

Bulk Data:

Zoning Classification:	C-Commercial		
Uses Allowed by Code:	Retail, Professional Business, Gasoline Service Stations and New/Used Car Sales		
Lot Area	Required 40,000 SF (Min)	Provided 47,568 SF	Variance Requested NA
Lot Width	200'	181'	19' ±
Setbacks			
Front	60'	NA	NA
Side/Rear	30 Min. on One Side, 70' Total	NA	NA
Rear	30'	NA	NA
Maximum Building Height	12 inches per foot of distance to nearest lot line	NA	NA
Floor Area Ratio	0.5	NA	NA
Developmental Coverage	85 %	NA	NA
(*) Variance Required			

Zoning Variance Note:

A 19-foot minimum lot variance was granted on July 9, 2007 by the Town of New Windsor Zoning Board of Appeals.

The undersigned surveyor hereby certifies to:

- Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns;
- Harker, Seccrest and Emery, LLP; and
- Chicago Title Insurance Company or Ticor Title Insurance Company, as their interests may appear.

that this map was made from an actual instrument survey of the parcel shown hereon completed on October 10, 2005 and that the survey and map are correct, and is in accordance with the existing code of practice for land surveys as adopted by the New York State Association of Professional Land Surveyors on July 19, 1985.

Licensed Land Surveyor NA.050376 Date



Reference Drawings:

- Titled "ALTA/ACSM Land Title Survey As-Built Survey", designated as Map Nos. SU-5 and SU-6, prepared by The Saar-Brown Group and dated October 14, 1994.
- Titled "Arnold Stewart Linear Transportation Corp.", designated as Job No. 93-007, prepared by Greys & Harketh Land Surveyors, P.C. and dated September 7, 1994.
- Titled "Survey - Lands Being Conveyed To Thruway Union Limited Partnership", designated as drawing No. C-5402, prepared by Eustance & Horowitz, P.C. and dated November 20, 1992.
- Titled "Subdivision For Wal-Mart Stores, Inc.", designated as Project No. 9508 and prepared by Robert D. Kuska, LS and dated February 1, 1996.
- Titled "Lot Line Change - Lands of James Z. Patsalos", designated as Drawing No. A-3393, prepared by Eustance & Horowitz, P.C. and dated August 22, 1986.
- Titled "ALTA/ACSM Land Title Survey, Proposed Wal-Mart Retail Facility Expansion, Lot Line Change", designated as Project No. CK2717-05-03, Prepared by Thew Associates, PLLC and dated April 1, 2004, recorded in the Orange County Clerk's Office on December 22, 2004 as Map No. 1005-04.

General Notes:

- This survey referenced horizontally to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone) and vertically to the North American Vertical Datum of 1988 (NAVD88).
- North arrow as shown indicates Grid North referenced to NAD83 and projected on the New York State Plane Coordinate System (East Zone).
- The referenced horizontal control station is a New York State Department of Transportation (NYDT) monument stamped "STEWART". STEWART is an Order B horizontal Station, established by NYDT in 1995.
- The surveyed parcel as shown hereon lies in zone "C" (area of minimal flooding) as shown on the FIRM maps for the Town of Newburgh, bearing Community Panel No. 360627-0020-A and an effective date of June 5, 1985 and for the Town of New Windsor, bearing Community Panel No. 360628-0010-B and an effective date of December 15, 1978.
- Contours shown hereon were generated from a Digital Terrain Model utilizing Atodesk Land Desktop Surveying and Engineering Software.
- Location of underground utilities shown hereon were compiled from parcel evidence, record drawings, and physical evidence located during the field survey. Location of underground utilities are not certified by the undersigned surveyor.
- The information shown hereon is based on an instrument survey completed on October 10, 2005.

Site Plan approval is required from the Town of New Windsor Planning Board for any use on this property. Prospective applicants are cautioned that the curb-cut existing on the site (off the internal Wal-Mart loop road) are from a prior site plan approval. Such curb cut location may or may not be deemed a valid location at the time a new site plan application is considered by the Planning Board.

Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns have reviewed and are in agreement with the subdivision parcel lines shown on this plat.

Wal-Mart Real Estate Business Trust Representative Date

Town of New Windsor Consultant Engineer Date

Town of New Windsor Planning Board Person Date

Town of New Windsor Code Enforcement Date

	DATE: 11/30/06	<b>Wal-Mart Real Estate Business Trust</b> Final Subdivision Plan 2.936-Acre Parcel Sheet 2 of 2 Town of New Windsor County of Orange State of New York  <b>Thew Associates, PLLC</b> Land Surveyors - GPS Consultants
	CHECKED: SCALE: 1" = 30'	
PROJECT NUMBER: CK2956B-10-06	Revisions	
04 Added Zoning Notes and Town Note	8/31/07	
03 Addition of Zoning Variance Note	7/17/07	
02 Changed Western Boundary Lines	1/24/07	
01 Revised to comply with Town Checklist	10/21/06	
REV	DESCRIPTION	DATE

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

NOV 9 2006

By: [Signature] Town Surveyor

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law.

Only copies from the original of this survey marked with an original seal shall be considered to be valid and true copies.